

**Proposals Must Be Received by 5 PM on: [March 10th, 2016](#)**

NYSERDA seeks proposals from qualified organizations to establish and operate “REV Connect,” a structure to advance New York State’s Reforming the Energy Vision<sup>1</sup> goals by facilitating the deployment of new technologies and business models in the New York market. REV Connect will offer a central forum for third parties to submit project ideas and receive expert guidance, feedback and facilitation, and will match ideas with customers, communities, and utilities to advance high quality REV demonstrations, non-wire alternatives and other innovative projects, while enhancing the culture of innovation in NY State.

**Proposal Submission:** All proposals must be received by NYSERDA by 5:00 PM on March 10th, 2016. Electronic submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery. If submitting electronically, proposers must submit the proposal in either PDF or MS Word format with a completed and signed Proposal Checklist and Disclosure of Prior Findings of Non-Responsibility, in PDF format. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility, rather than scanning. For ease of identification, all electronic files must be named using the proposer’s entity name in the title of the document. Proposals may be submitted electronically by following the link for electronic submissions found on this RFP’s webpage, which is located in the “Current Opportunities” section of NYSERDA’s website (<http://www.nyserderda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>). Instructions for submitting electronically are located in that section as Attachment F to this RFP

If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing a PDF or MS Word digital copy of the proposal, following the above guidelines. Proposals should be clearly labeled and submitted to:

Roseanne Viscusi, RFP3229,  
NYS Energy Research and Development Authority  
17 Columbia Circle, Albany, NY 12203-6399

Questions regarding this RFP should be directed to Micah Kotch, 518-862-1090 ext: 3080 ([micah.kotch@nyserderda.ny.gov](mailto:micah.kotch@nyserderda.ny.gov)). Contractual questions should be directed to Nancy Marucci, 518-862-1090 ext: 3335 ([nancy.marucci@nyserderda.ny.gov](mailto:nancy.marucci@nyserderda.ny.gov)).

No communication intended to influence this procurement is permitted except by contacting Micah Kotch. Contacting anyone other than this Designated Contact (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer’s behalf) in an attempt to influence

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<sup>1</sup> Case 14-M-0101. See <http://www.ny.gov/programs/reforming-energy-vision-rev>



the procurement: (1) may result in a proposer being deemed a non-responsible offeror, and (2) may result in the proposer not being awarded a contract.

Late proposals will be returned. Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Faxed or e-mailed proposals will not be accepted. Proposals will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's web site at [www.nyserda.ny.gov](http://www.nyserda.ny.gov).

## I. INTRODUCTION

### Reforming the Energy Vision

Governor Cuomo's Reforming the Energy Vision (REV) initiative is designed to create a more dynamic, resilient, clean, valuable, and affordable energy system. To achieve these ends, the State is evolving from a mandate and monopoly driven approach to a more competitive market based system. By introducing more competitive market incentives, New York seeks to unlock innovative solutions and business models and attract more private capital to modernize its energy system.

REV's initial focus is on the electric utility sector, an industry that has remained largely unchanged since the age of Thomas Edison. For the past century, utilities have sold and delivered electricity to customers in one-way relationships and through centralized, command and control infrastructure. The strong central grid and power plant backbone is vital, and it needs to be modernized. REV seeks to create the conditions for the grid to become a modern, dynamic platform that hosts a wide range of solutions and better supports the technologies, trends, and needs of the 21st century.

Innovation and collaboration between utilities and third parties in developing new technologies and business models will be critical to REV's success. With this in mind, REV has and will continue to make available a number of processes leading to opportunities for third parties to develop new solutions and implement them in New York, including:

- REV demonstration projects: test new services and business models and provide the investor owned utility (IOU) with experience managing the grid with distributed resources such as distributed generation, energy storage, demand response and energy efficiency. Demonstration projects are intended to advance the REV regulatory landscape by showing how new technologies and business models can unlock new value streams in the grid and how the economic benefits can be distributed between the utility, third parties, and customers in new ways. This past July 1<sup>st</sup>, each of the State's investor-owned utilities submitted demonstration projects. To date, nine of the twelve projects were determined to be compliant with the Commission's *Order Adopting Regulatory Policy Framework and Implementation Plan*, issued February 26, 2015 in the REV proceeding, and have moved to performing actions within their associated implementation plans. Demonstration projects will continue to be filed and implemented on an ongoing basis.
- Non-Wires Alternatives (NWA) projects: deploy distributed energy resources to meet system needs to defer or eliminate the need for traditional utility infrastructure investments. All of the utilities have identified NWA projects and will continue to identify other opportunities going

forward. Con Edison, Central Hudson, PSEG-LI, and O&R have issued RFPs for non-wires alternative projects.

- Distributed System Implementation Plans (DSIPs): each of the utilities are currently developing DSIPs, which will make data on each utility system available to enable market participants to identify opportunities for new solutions that meet utility system needs.
- Other programs that support community investments in clean energy, including the shared renewables initiative that enables customers to sign up for shares of a renewable project and the NY-Prize community microgrid competition, which has already awarded feasibility studies to 83 communities.

### Characterizing the Opportunity and the Challenge

As the utilities move beyond the first round of REV demonstration projects, the utilities, third parties and the State have identified a number of barriers and impediments to innovation and collaboration among all market participants that, if eliminated, will lead to more efficient development, implementation and replication of project ideas that advance REV including both REV Demo projects and others. Some of these barriers include:

- The mismatch between the large volume of inbound project ideas and limited bandwidth within the utilities for assessing technical readiness
- Lack of awareness of the points of contact for each utility
- Insufficient or untimely feedback to third parties on proposal concepts
- Lack of easy access to information about the numerous opportunities within each utility and throughout the State
- Insufficient process for sharing of learning from current projects as they progress as well as sharing learning from other States and countries and introductions to potential partners

The REV Connect platform is envisioned as the ideal method to address these barriers today as well as set up a structure that will evolve as the innovation ecosystem in the state gains traction and grows. REV Connect will be a proactive catalyst of innovation in New York. It will provide a central venue to efficiently inform third parties of new opportunities for innovation throughout the State. REV Connect will help utilities and communities define their needs and identify solutions to meet those needs in the changing REV landscape, as well as provide customized interventions to help move solutions from idea to impact. It will offer third parties a transparent, efficient path for identifying potential partners and work with all parties in an effort to develop their ideas into actionable projects that solve real problems for customers. REV Connect will also provide “match-making” services for utilities and third-parties and identify particular areas of focus for brainstorming workshops to engage broad input from technology, business and policy communities on how to meet challenges as they arise.

## **II. REV CONNECT INNOVATION DRIVER AND FACILITATOR ROLE<sup>2</sup>**

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<sup>2</sup> While none of these examples should be viewed as perfect models, elements of the following programs may have some relevance to the desired REV Connect functionality: 1) [UK Innovation Fund](#); 2) [California EPIC](#); 3) [Ontario Advanced Energy Center](#)

In pursuit of the overall objective, the Contractor will be expected to establish a platform and structure via either direct employees, subcontractors and/or indirect partnerships and processes to deliver the REV Connect functions in an expedited manner (that may be calendared – i.e. some functions now, phasing in others) within a two-year funding window. These functions should include:

1. Help develop “areas of interest” for future REV demonstration projects by engaging with the IOUs and the State and drawing from industry expertise, knowledge of cutting edge solutions and an understanding of the various REV initiatives.
2. Create and maintain information resources to help third parties and communities navigate and engage successfully with the various REV opportunities in New York. Those resources should include: summaries of current REV demo projects, descriptions of areas of interest for future REV demonstration projects (summarized per #1), listing of RFPs for non-wires alternatives and other projects, and “how-to” guidance, FAQs, or webinars. Resources should also include synthesis, comparisons, or summaries of data released within utility DSIPs and should be updated as REV evolves.
3. Design, implement and maintain a central mechanism for submitting project ideas
4. Develop evaluation criteria (i.e. applicability, financial viability, and technical “readiness” for any associated technology) and an evaluation process in coordination with industry experts, IOUs, and the State, publishing descriptions of the criteria and process to ensure a greater likelihood of proposal efficiency and success.
5. Evaluate and screen ideas on a regular basis. Recommend good fits to utilities, including the New York Power Authority, or communities (across REV demos and potentially other areas) via appropriate means (summaries, short web pitches etc.), and also facilitate partnerships among third parties that may offer or propose part of a broader solution.
6. Deliver feedback to all third parties that submit project ideas on the apparent stage of their proposal and fit with areas of interest, and meet with submitters whose submissions show promise to help workshop their ideas and push innovation, keeping track of all inbounds and next steps/close loops.
7. Partner with State and other organizations on the presentation of workshops focused on interest areas (LMI, EV etc) or emerging potential.
8. Summarize, develop and share best practices to enhance innovation and partnerships and drive scale and replication of successful projects, including by publishing analysis and synthesis of filed project reports or webcasts.
9. Develop innovation plan for after the two-year timeframe in collaboration with utilities, State team and third parties

### **III. Deliverables and Expectations**

Success will be primarily measured by the quality and impact of REV demonstration projects or other partnerships and collaborations facilitated by REV Connect. The contractor will be expected to document its progress on this metric in quarterly reports. The contractor will also be expected to develop a process and format to report on the pipeline of project suggestions and the evolution to implemented projects. In addition, value to the utilities, third parties, and State via ongoing feedback and surveys will define impact and shape future evolution of the model. Regular meetings with a steering committee composed of state, utility and 3<sup>rd</sup> party representatives will allow discussion of the value and impact of REV Connect.



The contractor will also be expected to work with the utilities and the State to develop a governance plan, as well as a plan for continuation of the REV Connect functionality after the 24 months of NYSERDA funding. Among models to be considered are institutionalizing this functionality within the utilities and disbanding REV Connect, or by identifying other revenue streams outside of the State to continue funding REV Connect on a self-sustaining basis. This plan may take the form of an initial business plan in year one with a final business plan and an operational plan as a deliverable before the two years are up.

#### **IV. DESIRED PROPOSER QUALIFICATIONS**

A successful proposer is likely to have the following qualifications:

- Track record of delivering structures for new innovative projects with high throughput, high quality, and real-world impact
- Experience forming and leading interdisciplinary, collaborative teams
- Experience with creating and implementing innovative solutions;
- Experience evaluating the potential of new energy technologies
- Strong knowledge of energy markets and cutting edge, new technologies and business models in New York State and other markets
- Experience engaging across multi-sector stakeholder groups including specific experience with utilities, distributed energy resources (DER) providers, local governments, community based organizations, universities and faculty, and Non-Governmental Organizations (NGOs)
- Experience with new product development, technology road-mapping and commercialization
- Experience in creating engaging web based tools to communicate ideas, gather ideas and build engagement of communities
- Strong business model innovation skills with a demonstrated ability to identify and communicate specific, compelling, and appropriate business model propositions;
- Knowledge and understanding of the various components and objectives of REV, and a sense of how REV Connect can fit within the broader REV landscape

Proposers are welcomed to assemble teams that bring together firms, academic institutions and/or faculty, or other organizations with different specialties and core competencies, in particular as part of the project evaluation role.

#### **V. AVAILABLE FUNDING AND TIMING**

There is no predetermined award amount. Proposals that minimize overall cost and maximize cost share will be prioritized. The timing is for twenty four (24) months.

#### **VI. PROPOSAL REQUIREMENTS**

Proposals that include partnering arrangements **must** designate one party as the Coordinating Contractor. The Coordinating Contractor will have overall responsibility for the administration of the Agreement and completion of the Statement of Work.

All proposals submitted as part of this RFP become the property of NYSERDA. Proposers will not be



reimbursed for any costs associated with preparation of their proposals.

**ALL PROPOSALS MUST INCORPORATE THE FOLLOWING SECTIONS:**

**1. Proposal Checklist - Complete the specific Proposal Checklist (Attachment A), and include it as the front cover of the proposal.** Please note the following:

1. Indicate whether you accept the standard terms and conditions as contained in the Attachment F - Sample Agreement. If you do not accept the standard terms and conditions, provide alternate terms with justification based on the risk and benefit to NYSERDA and New York State. Due to NYSERDA's desire to have this initiative launch as quickly as possible, awards may be rescinded if exceptions to NYSERDA's standard terms and conditions are not resolved in a reasonable amount of time, as determined by NYSERDA.
2. Be sure the individual who is signing the Proposal Checklist is authorized to commit the proposer's organization to the proposal as submitted.

**2. Proposer Information:**

Please provide the name, title and contact information for one individual (phone and e-mail) who can be reached during business hours and who is authorized to communicate with NYSERDA on behalf of the proposer.

**Proposal Checklists which are not signed by a legally authorized individual shall not be accepted, and will be returned.** The legally authorized representative of the Proposer certifies by the submission of its proposal that the proposal is submitted in compliance with all applicable federal, state, and local laws and regulations, including antitrust and anti-corruption laws and that the information provided in the proposal is true and accurate.

Also identify key information about the proposing organization. The proposal shall include a brief narrative and should include:

1. Organizational purpose and day-to-day functions.
2. Organizational structure, including location of Headquarters and any other offices in New York State.
3. How the proposer plans to provide statewide coverage.

**3. Statement of Work:**

The Statement of Work should set forth in sufficient detail all actions expected to be undertaken and services provided in support of Program Goals identified in Sections II and III of this RFP.

The Statement of Work is the proposer's opportunity to describe, through a series of tasks, the Proposer's intended strategy and method for achieving a successful result – the actualization of multiple demonstration projects, including several in the near term. A template is provided as Attachment B.

**4. Qualifications:**



Proposals should clearly demonstrate the experience, skills, and abilities necessary to effectively achieve success as defined in Section IV. Proposers are welcomed to assemble teams that bring together firms with different specialties and core competencies.

Describe the accomplishments, experiences, and expertise of the individuals comprising the proposing team relevant to this RFP. Proposals should include project descriptions of relevant projects and programs that have been completed by the proposer that would demonstrate qualifications. The project descriptions should specify the level of involvement of the proposing firm and subcontractors and the results/deliverables of the project, including roles in those projects of the individuals named in this proposal. For at least one of the projects mentioned, proposers must include customer contact names and phone numbers.

Proposers must identify the project manager who will serve as the single point of contact as well as all personnel that may be involved with providing services under this RFP. In this section include one-page résumés that highlight recent experiences of all individuals who will be directly involved in providing services.

#### **5. Conflicts:**

The firm, its principals, subcontractors, and any personnel of the firm must be free from any financial or similar interest in any product or service that may conflict with or appear to conflict with the objectivity of the services provided to NYSERDA. Please describe all of your product, manufacturer or service-related affiliations. If any affiliations exist, you must provide a statement explaining how you will ensure and verify these affiliations do not conflict with or appear to conflict with the objectivity of providing services to NYSERDA and its customers. Non-disclosure of any affiliation can result in the rescission of an award or termination of a contract.

#### **6. Schedule and Staff Plan:**

Present a work schedule with a starting point and duration for each task and subtask. Presentation of the schedule in a bar chart is preferred starting with "Month 1", Month 2", etc. The schedule should include timing of major milestones, showing progress toward project objectives and goals.

#### **7. Cost Proposal and Budget:**

NYSERDA anticipates a combination of time and materials and milestone payments. For time and materials activities, the proposal must include a completed Project Personnel and Rates Form (see attachment D). Labor costs must be consistent with the staffing plan.

Attach supporting documentation to support multiplier (overhead) rate(s) included in your proposal as follows:

- Describe the basis for the rates proposed (i.e., based on prior period actual results, based on projections, based on federal government or other independently-approved rates); and,
- If rate(s) is (are) approved by an independent organization, such as the federal government, provide a copy of such approval; and,



- If rate(s) is (are) based on estimated costs or prior period actual results, include calculations to support proposed rate(s); calculation should provide enough information for NYSERDA to evaluate and confirm that the rate(s) is (are) consistent with generally accepted accounting principles.

NYSERDA reserves the right to audit any billing rate presented in the proposal and to make adjustment for such difference. Requests for financial statements or other needed financial information may be made if deemed necessary.

#### **PROPOSAL SUBMISSION:**

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If mailing or hand-delivering, proposers must submit (2) paper copies of their proposal with a completed and signed Proposal Checklist, along with a CD or DVD containing either a PDF or MS Word digital copy of the proposal, following the above guidelines. Mailed or hand-delivered proposals must be clearly labeled and submitted to: **Roseanne Viscusi, RFP 3229, NYS Energy Research and Development Authority, 17 Columbia Circle, Albany, NY**

Proposals should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Double-sided prints with a staple in the upper left corner is the preferred format. Unnecessary appendices beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the proposal. Each page of the proposal should state the name of the proposer, the RFP number, and the page number. **The proposal must be in the following format and sequence listed below.**

#### **VII. PROPOSAL EVALUATION**

All proposals received by the due date, and meeting the submission requirements established in this RFP, will be reviewed and ranked by a Technical Evaluation Panel (TEP). Final rankings and contract award will be based on the following criteria, listed in approximate order of importance:

**Responsiveness to the RFP/Statement of Work:** Does the proposer present a realistic, effective and cost effective plan or approach to support program objectives? What is the likelihood of timely, successful outcomes? Does the proposer offer concrete evidence of their ability to execute, operationalize, and deliver? Do they demonstrate experience with engaging with utilities, communities, academic institutions and/or faculty, entrepreneurs and businesses to provide feedback on project

proposals? Does the proposer demonstrate familiarity with resources across the state that may provide support for innovations too early for use within the electric grid today? Does the proposer demonstrate familiarity with the technical, financial and regulatory issues that will have a bearing on the success of REV demonstration projects and REV overall objectives? Has the proposer demonstrated a deep, going-in understanding of the challenges involved in advancing innovative, high-quality, REV-aligned proposals in the complex institutional and regulatory environment of the current energy system in New York? Does the proposer exhibit experience in convening groups to focus on critical issues and then communicate outcomes in a compelling format? Does the Statement of Work adequately address all the program tasks? Are results and deliverables clearly stated and consistent with the proposer's activities?

**Relevant Experience and Qualifications:** Is the project staff's overall capability appropriate? Do individuals named in the proposal bring to the project the necessary skills, experience, and judgment? Does the project team taken together provide the required breadth of knowledge, capability, and ability to execute?

**Concreteness of Approach and Management Plan:** Are sufficient resources being devoted to the project? Is the project organization, including the staffing plan and schedule, clear and well-defined? Does it include a strategy for coordination and interaction with NYSERDA, the Department of Public Service, Utilities, third-party market participants (including but not limited to entrepreneurs, project developers, municipalities, the financial sector, academia and trade organizations)? Does it include a compelling description of how and on what kind of a cycle projects will be reviewed and evaluated, and by whom? Does the proposal describe how the proposer will credibly deliver on the detailed points highlighting the facilitator's role?

**Cost:** How cost-effective is the proposal (i.e., what type of program and what level of results will be achieved with the available funds)? What level of cost-share is the proposer able to deliver? To what degree does the proposer tie compensation to delivery of program objectives within any timeframes? Are hourly rates and total hours reasonable and appropriate for the personnel or subcontractors? Is the proposer's allocation of costs appropriate when compared to the allocation of costs of other comparable proposals and their projected results? Are travel costs reasonable?

See "Contract Award" section below. NYSERDA anticipates notifying proposers approximately four (4) weeks after proposal submission or sooner if possible and appropriate, and for work to commence immediately upon execution of a contract.

## VIII. GENERAL CONDITIONS

### PROPRIETARY INFORMATION

Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records, including an exception for records or portions thereof that "are trade secrets or are submitted to an



agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <http://www.nyserda.ny.gov/About/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

### **OMNIBUS PROCUREMENT ACT OF 1992**

It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development  
Division for Small Business  
30 South Pearl Street  
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development  
Minority and Women's Business Development Division  
30 South Pearl Street  
Albany, NY 12245

**State Finance Law sections 139-j and 139-k** - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>. The attached Proposal Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

**Tax Law Section 5-a** - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA



(available at [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf) The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>

**Contract Award** - NYSERDA anticipates making one award under this solicitation. It may award a contract based on initial proposals without discussion, or following discussion and negotiations which may include any aspect of the proposal. Further, as part of the evaluation process, proposers may be required to have appropriate representatives attend an interview prior to final selection. Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful proposals. NYSERDA, at its sole discretion, will decide whether to contract successful projects using time and material or milestone payment terms. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the submitted proposal. NYSERDA expects to notify proposers soon after the proposal due date with respect to whether a proposal has been selected for further negotiations or to receive an award. **NYSERDA may decline to contract with awardees who are delinquent with respect to any obligation under any previous or active NYSERDA agreement.**

#### **LIMITATION**

This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement.

#### **DISCLOSURE REQUIREMENT**

The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

#### **IX. ATTACHMENTS**

**Attachment A - Proposal Checklist**

**Attachment B – Disclosure of Prior Findings**

**Attachment C - Project Personnel and Rates Form**

**Attachment D - Sample Agreement**

**Attachment E – Instructions for Submitting Electronic Proposals**